

VZCZCXRO5221  
PP RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR  
DE RUEHVJ #0363/01 0532035  
ZNY CCCCC ZZH  
P 222035Z FEB 08  
FM AMEMBASSY SARAJEVO  
TO RUEHC/SECSTATE WASHDC PRIORITY 7905  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RUEAIIA/CIA WASHINGTON DC  
RHEFDIA/DIA WASHINGTON DC  
RUEKJCS/JCS WASHINGTON DC  
RUFOAOA/USNIC SARAJEVO  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHDC  
XMT AMEMBASSY BELGRADE

C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000363

SIPDIS

SIPDIS

EUR FOR DICARLO, EUR/SCE (HOH, FOOKS, STINCHCOMB); NSC FOR  
BRAUN; OSD FOR BEIN;

E.O. 12958: DECL: 02/22/2018

TAGS: [PGOV](#) [PREL](#) [PINR](#) [EU](#) [BK](#)

SUBJECT: BOSNIA: POLICE REFORM LAWS GENERATES CONTENTIOUS  
PARLIAMENTARY DEBATE

REF: A. 07 SARAJEVO 2670

[1](#)B. SARAJEVO 245

Classified By: Michael J. Murphy. Reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: On February 14 the Council of Ministers (CoM), over Bosniak objections, adopted two draft laws which create the seven state level police bodies called for in the Sarajevo Action Plan and Mostar Declaration. (Ref A) On February 20 after a contentious debate, the State-level House of Representatives narrowly approved these draft laws in first reading. The draft laws now enter the committee consideration stage during which amendments can be added prior to a final vote on passage. SDP and SDA strongly opposed the laws and asserted their inclusion in the parliamentary agenda was illegal. The draft laws currently have enough support from other political parties, including SNSD, PDP, DNZ, HDZ-BiH, HDZ-1990, and SBiH, to be approved, albeit narrowly; however SBiH insists it will only support the draft laws if amended to specify that the legislation would eventually govern local police structures after constitutional reform. The draft laws will also face a tough battle in the House of Peoples where SDA and SDP hold four of the five Bosniak seats. It is unclear if SNSD will accept SBiH amendments in order facilitate Bosnia's signing of the Stabilization and Association Agreement (SAA) with the European Union. If SNSD opposes the amendments it could result in SBiH along with SDA blocking the SAA, a development which Republika Srpska (RS) Prime Minister Milorad Dodik could, in turn, use to reinforce his claims that the Federation is holding back the RS. End Summary

CoM Passes Laws ver Bosniak Objections

[1](#)2. (C) On February 14 the Council of Ministers (CoM) adopted two draft laws which create seven state-level police bodies mandated by the Sarajevo Action Plan and Mostar Declaration. (Ref A) The CoM adopted the Draft Law on Directorate for Coordination of Police Bodies and Agencies for Support of the Police Structure of BiH and the Draft Law on Independent and Supervisory Bodies of BiH over the objections of the SDA (Ref B), which had insisted that the new bodies have competencies over entity, cantonal, and Brcko District law enforcement agencies. SBiH Foreign Minister Sven Alkalaj voted against the laws, despite the promise by SBiH president Haris Silajdzic to support them, after the Council decided to

remove transitional language specifying that the laws would govern local police structures after the completion of constitutional reform. Because the CoM vote did not concern a final and binding decision, voting procedures allowed the law to be passed by a simple majority 5-3 (SDA Ministers Tarik Sadovic and Selmo Cikotic and SBiH FM Alkalaj voted against with SBiH Safet Halilovic absent.)

#### SBiH Insistence on Transitional Language

-----

13. (C) During Police Reform Working Group negotiations on the legislation, SBiH representatives acknowledged that the Mostar Declaration provided that the two draft laws would only govern State-level law enforcement. Nonetheless, SBiH inserted transitional provisions into the draft laws stipulating that these state-level bodies would eventually govern local law enforcement agencies after the completion of constitutional reform. Following the CoM decision to remove the SBiH provisions, Foreign Minister Sven Alkalaj complained to us that the transitional language was supported by the Mostar Declaration and that by failing to support it the Serbs and Croats are walking back from the agreement.

14. (U) The SBiH suggested text is as follows: 1. Regulations prescribed by this Law shall refer to all police bodies and the bodies established and prescribed by this Law shall also have jurisdiction over local police bodies, once new and reformed single police structure of BiH is established on the basis of three principles of the European Commission, which will be based on provisions of the new BiH Constitution, as a result of the process of constitutional reform. 2. Details of the said new and reformed single police structure of BiH will be defined by two basic laws: Law on Police Service of

SARAJEVO 00000363 002 OF 003

BiH and Law on Police Officials of BiH. These laws shall enforce provisions of this Law to the said single police structures of BiH, in order to ensure adequate participation of local police bodies, as well as relations with and jurisdiction of the bodies established by these laws over local police bodies, in accordance with the new single police structure of BiH.

#### Draft Survives "First Reading"

-----

15. (SBU) After a lengthy debate, on February 20 the State-level House of Representatives passed in first reading the two draft police reform laws (22 in favor-16 against-2 abstaining and 22 in favor-17 against-1 abstaining). The two laws were added at the last minute to the Parliament's agenda despite strenuous SDA and SDP attempts to block this action in committee. In the vote SDA, SDP, and SDS opposed the draft legislation. SBiH representatives stated they supported the flawed draft laws but plan to add transitional language in the amendment phase. SNSD, PDP, and both HDZ parties supported the law. The draft laws now enter the committee consideration during which amendments can be added after which the law will return to the full House of Reps for a final vote. The next session of the House of Representatives is currently scheduled for March 5

#### Those Opposed

-----

16. (SBU) SDA, SDP, and SDS officials spoke out strongly in opposition to the law, albeit for different reasons. The SDA has insisted that the draft legislation should create new police bodies which have competencies over entity, cantonal, and Brcko District law enforcement agencies. SDA Bakir Izetbegovic lamented the fact that the new laws did not incorporate the three EC principles for police reform. SDA delegate Semsudin Mehmedovic complained that these laws ensure the survival of the RS police, which was implicated in the International Court of Justice's ruling on genocide in

Srebrenica. SDS Momilo Novakovic expressed gratitude to SNSD for not including a SDS representative in the police reform working group thus absolving SDS of responsibility for the flawed outcome. On one hand SDS complained that some of the limited competencies proposed for the new bodies were unconstitutional. On the other Novakovic, alluding to SNSD control over the police, said he supports any reform that removed political influence on police work.

¶7. (SBU) SDP Denis Becirovic decried the laws as meaningless reform that fall short of the three EU principles and succeed only in creating an expensive layer of bureaucracy. He stressed the irony that the two parties (SBiH and HDZ-1990) who destroyed the April 2006 Constitutional Reform package on the grounds that Bosnia did not need meaningless reform, are taking the opposite position on police reform today. SDP Zlatko Lagumdžija lamented that the EU had lowered the bar on police reform from three meters to three centimeters. He claimed that Bosnia need not approve the draft laws, predicting that Bosnia will get an SAA without them since Europe has already dropped the bar so far.

Those in Favor  
-----

¶8. (SBU) SNSD, PDP, HDZ-BiH, and HDZ-1990 voiced support for the two draft laws in first reading. SNSD Jovan Todorovic implored his colleagues to stop wasting time with useless discussion and vote for these laws to enable BiH to sign the SAA which is needed for stability and economic growth. HDZ-BiH Velimir Jukic lamented it would be a tragedy to reject these laws in first reading and prevent the signing of the SAA. HDZ-1990 Vinko Zoric acknowledged the legislation did not constitute comprehensive police reform but would facilitate real police reform after the completion of constitutional reform.

¶9. (SBU) SBiH utilized the debate to attack SDA President Sulejman Tihic for having signed the Mostar Declaration and Sarajevo Action Plan and then disavowing the terms of the agreements. SBiH Ekrem Ajanovic agreed that this is only the

SARAJEVO 00000363 003 OF 003

first step in police reform about which the six party leaders agreed including Tihic agreed to in Mostar. SBiH Beriz Belkic exhorted his colleagues to not eliminate these two laws from the start as EU path and total condition of country at the moment is important. He agreed that the laws need to be improved and said SBiH would submit several critical amendments during the committee process.

What's Next?  
-----

¶10. (SBU) The next session of the House of Representatives is scheduled for March 5. However, since the Joint Committee on Defense and Security will deal with suggested amendments to this law, final consideration will have to wait until the draft laws are also introduced for first reading in the House of Peoples, which may happen as early as next week. Given the current parties supporting the laws, they stand a chance to pass in the House of Peoples as long as the Bosniaks do not invoke Vital National Interest protection. However final passage in either house will depend on continued support from SBiH, which has claimed that it will withdraw support for both laws should its amendments regarding the insertion of transitional language be rejected. The EU has as of yet refused to comment as to whether passage of the two draft laws will be sufficient for SAA signing.

Comment  
-----

¶11. (C) This latest iteration of police reform based on the six political party talks in Mostar, Sarajevo, and Laktaski has cleared yet another hurdle, but still has a treacherous

political path to navigate. If SBiH does not succeed in inserting transitional language, it will face a hard choice between acquiescing to what it would perceive as a Serb and Croat walk back from the Mostar Declaration, or joining SDA and SDP in rejecting the draft laws thus putting the SAA on hold. The Croats are focused on signing the SAA, and would likely be prepared to support SBiH to accomplish that goal. Until now, SNSD has opposed SBiH's proposed amendments. If this position does not shift, SBiH could line up with the other Bosniak parties and block police reform. This may suit Dodik who could then argue that Bosniaks and the State Government are harming the vital interests of the RS and Serb people. End Comment  
ENGLISH